

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Dana Albrecht

v.

Case No. 25-cv-93-SM

Judge, N.H. Circuit Court, et al.

O R D E R

Pro se plaintiff Dana Albrecht brought suit against New Hampshire judges and court officials as well as state officials and police officers in the towns of Seabrook, New Hampshire, and Salisbury, Massachusetts. Albrecht's claims arise from incidents involving Destinie Berard, who is not a party, and defendant Partick Szymkowski, which lead to a criminal case against Berard in New Hampshire. On preliminary review, the magistrate judge recommended that the case be dismissed for lack of jurisdiction because Albrecht did not have standing to bring the claims. Doc. no. 12.

Albrecht sought and was granted additional time to respond to the report and recommendation. End. or. Apr. 25, 2025. Then, without filing an objection, Albrecht sought additional time to amend the complaint. Doc. no. 32. Berard has moved to join as a plaintiff (doc. no. 24) and to participate in electronic filing (doc. no. 25), and defendants have moved to

dismiss (doc. nos. 31, 34, and 45). Defendant New Hampshire Public Defender has moved for an extension of time to file an answer. Doc. no. 29.

A plaintiff may file an amended complaint as a matter of right once within 21 days after a defendant files a motion under Federal Rule of Civil Procedure 12(b). Fed. R. Civ. P. 15(a)(1)(B). Defendants' motions to dismiss under Rule 12(b)(6) were all filed recently. Therefore, despite the pending report and recommendation that the case be dismissed, Albrecht is entitled to file an amended complaint as provided below.

Conclusion

For the foregoing reasons, plaintiff's motion for time to file an amended complaint (doc. no. 32) is granted, and plaintiff shall file the amended complaint on or before **June 6, 2025**.

Defendant New Hampshire Public Defender's motion for an extension of time (doc. no. 29) is granted, and the answer will be due within the time allowed under Rule 12(a) after an amended complaint is filed or, if an amended complaint is not filed within the time allowed in this order, the time will be set in the court's order addressing the report and recommendation.

The report and recommendation and the other pending motions will be addressed after the amended complaint is filed or the time allowed has expired.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

May 15, 2025

cc: Dana Albrecht, pro se
Counsel of Record